

COUNCIL CHAMBERS -- CITY COUNCIL
CITY HALL -- CITY OF LODI
WEDNESDAY, DECEMBER 6, 1939

The City Council of the City of Lodi met in regular session at 8:00 o'clock P.M. of Wednesday, December 6, 1939, Councilmen Clark, Graffigna, Spooner, Weihe and Steele (Mayor) present, none absent.

The minutes of the last meeting held November 15, 1939 were read, approved as read and so endorsed by the Mayor.

Public Hearings: Mr. Gaines W. Hunter representing the Veterans of Foreign Wars asked that, in the consideration of a building program for recreational purposes, the proper provision be made for a public auditorium.

The Clerk presented the affidavit of the principal clerk of the publisher of "The Lodi Times" in proof of the proper publication of "Notice of Intention to Grant Franchise" as directed by Resolution No. 1010 of the City Council adopted November 15, 1939 and the Mayor announced that the meeting was now open to the presentation of objections to the granting of such franchise. The Clerk reported that no protests had been filed with him and no persons appeared at this time to present objections. Further action in the matter was laid over, to be taken up later in the meeting.

Communications: A letter from Central California Traction Company stating that any attachments of Holiday Decorations to that Company's poles or wires was without their consent and denying any liability therefore was read and ordered filed.

A letter from the State Compensation Insurance Fund promising a rate reduction in premiums amounting to 8.8% was read.

Notices of applications for liquor licenses filed after the last meeting of the Council were received from the State Board of Equalization. No protests.

The Mayor presented and had read, a letter from a committee of local citizens with an accompanying resolution, asking that consideration be given to adequate quarters for girl's recreational facilities if and when the "Boys Club" building was erected.

Councilman Harvey S. Clark reported that the Civitan Club requested delay until the next meeting of the Council for the presentation of their plan for a recreational center.

Monthly reports of the Chief of Police and of the City Poundmaster were received, read and ordered filed.

In the matter of the petition of Henry & Olga Zilke for the abandonment of an alley in "Zilke Subdivision", the Clerk reported that the City Planning Commission at its meeting of November 21, 1939 had made no objection to such abandonment, and on motion of Councilman Graffigna, seconded by Councilman Weihe, Resolution No. 1012 was introduced, read by the Clerk and passed and adopted by the following vote:-

AYES: Councilmen, Graffigna, Weihe, Clark, Spooner and Steele.
NOES: Councilmen, None.
ABSENT: Councilmen, None.

RESOLUTION NO. 1012.

RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL
OF THE CITY OF LODI TO ABANDON A CERTAIN TWENTY FOOT
ALLEY IN "ZILKE SUBDIVISION"

WHEREAS, Henry Zilke and Olga Zilke his wife have filed a petition requesting the abandonment of that certain alley dedicated to public use in the official map of "Zilke Subdivision" filed March 22, 1937 and recorded in Vol 11 of Maps and Plats at Page 24 thereof, San Joaquin County records, which said alley extends from the South line of Cherry Street to the North line of Vine Street, the Westerly line thereof being distant one hundred twenty (120) feet Easterly from the East line of Stockton Street and parallel thereto. Said alley is twenty (20) feet in width.

WHEREAS, the City Planning Commission of the City of Lodi, did, at its meeting held November 21, 1939, approve the purpose of said petition and recommend that the said alley be vacated and abandoned, therefore,

(Minutes of Dec 6, 1939 cont.)

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BE IT RESOLVED, that it is the intention of this City Council of the City of Lodi, that said alley be abandoned and closed in that the same is no longer required to serve a public purpose nor is the same essential to the development of the lands abutting thereon or as a means of ingress or of egress thereto or therefrom.

The alley herein proposed to be abandoned is particularly described as follows:- Beginning at a point on the Southerly line of Cherry Street in said "Zilke Subdivision" distant one hundred twenty (120) feet Easterly from the east line of Stockton Street and running thence Southerly and parallel to the east line of Stockton Street to a point on the north line of Vine Street, thence Easterly, on and along the said north line of Vine Street a distance of twenty (20) feet to a point, thence Northerly and parallel to the east line of Stockton Street to the south line of Cherry Street, thence Westerly, on and along the said south line of Cherry Street a distance of twenty (20) feet to the point of beginning.

BE IT FURTHER RESOLVED, that the Street Superintendent of the City of Lodi be, and he is hereby directed, to post and publish notice hereof at the times and in the manner provided by law, such publication to be had in "The Lodi Times", a newspaper of general circulation, herein designated as the newspaper in which said notice shall be printed and published.

Ordinance No. 259, entitled, AN ORDINANCE AMENDING ORDINANCE NO. 9 OF THE CITY OF LODI BY MAKING IT A MISDEMEANOR TO POSSESS FIRE ARMS IN LODI MUNICIPAL LAKE PARK, having been introduced on November 15, 1939, was brought up for second reading on motion of Councilman Graffigna, Clark second, read by the Clerk and finally passed, adopted and passed to print by the following vote:-

AYES: Councilmen Graffigna, Clark, Spooner, Weihe and Mayor Steele
NOES: Councilmen, None. ABSENT: Councilmen, None.

The Mayor then approved the ordinance.

Ordinance No. 260, entitled, " ORDINANCE GRANTING TO PACIFIC GAS AND ELECTRIC COMPANY, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE TO USE, FOR TRANSMITTING AND DISTRIBUTING GAS WITHIN THE CITY OF LODI FOR ANY AND ALL PURPOSES OTHER THAN THOSE AUTHORIZED UNDER SECTION 19 OF ARTICLE XI OF THE CONSTITUTION OF THE STATE OF CALIFORNIA AS SAID SECTION EXISTED PRIOR TO ITS AMENDMENT ON OCTOBER 10, 1911, ALL GAS PIPES OR APPURTENANCES WHICH ARE NOW OR MAY BE HEREAFTER PLACED IN THE PUBLIC STREETS, WAYS AND PLACES WITHIN SAID CITY, AND TO LAY AND USE IN SAID PUBLIC STREETS, WAYS AND PLACES ALL PIPES AND APPURTENANCES NECESSARY OR PROPER FOR SAID PURPOSES " was introduced on motion of Councilman Graffigna, seconded by Councilman Weihe, read at length by the Clerk, and considered by the Council. The said Ordinance No. 260 was then ordered introduced and laid over until the next regular meeting of the City Council by the following vote:-

AYES: Councilmen, Graffigna, Weihe, Clark, Spooner and Mayor Steele.
NOES: Councilmen, None. ABSENT: Councilmen, None.

It appearing that John Kessel would accept the sum of \$500.00 in compromise of his claim for lands now included in Vine Street, the following Resolution was introduced by Councilman Graffigna seconded by Councilman Weihe:

RESOLUTION NO. 1013.

RESOLVED, that the sum of Five Hundred Dollars (\$500.00) be, and the same is hereby ordered paid to John Kessel and Myrtle L. Kessel, his wife, as full compensation for that part of Vine Street sixty feet in width lying between the west line of South School Street and the east line of South Church Street and fifty feet in width lying between the west line of South Church Street and the west line of South Lee Avenue as delineated on the official map of "Kessel Subdivision".

The Mayor is hereby authorized and directed to draw a warrant payable to said John Kessel & Myrtle L. Kessel, his wife, in the amount of \$500.00 payable with funds from the City Treasury not otherwise encumbered.

The foregoing Resolution No. 1013 was then adopted by the assenting record vote of all members of the City Council, to-wit by the votes of Councilmen Graffigna, Weihe, Clark, Spooner and Mayor Steele.

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In the matter of the annexation of "Eleventh Addition"

The City Clerk presented and read his report on the holding of a special annexation election in this addition on November 28, 1939 and presented the returns of election as filed with him by the precinct election board. The Council then proceeded to open and canvass the said returns, finding that, as set forth in the "Unofficial Returns" of the Board of Election, that a total number of ten (10) votes were cast and tallied at this election, all of which were in favor of annexation under the terms and conditions set forth in the proposition submitted.

Ordinance No. 261, entitled, "AN ORDINANCE APPROVING THE ANNEXATION OF 'ELEVENTH ADDITION'" was then introduced on motion of Councilman Clark, Graffigna second, read at length by the Clerk and ordered laid over for the statutory period of not less than five days by the following vote:-

AYES: Councilmen, Clark, Graffigna, Spooner, Weihe and Mayor Steele.
NOES: Councilmen, None. ABSENT: None.

In the matter of the annexation of "Twelfth Addition"

The City Clerk presented and read his report on the holding of a special election in this addition on November 28, 1939 and presented the returns of election as filed with him by the precinct election board. The Council then proceeded to open and canvass the said returns, finding that, as set forth in the "Unofficial Returns" of the Board of Election, that a total number of twelve (12) votes were cast and tallied at this election, all of which were in favor of annexation under the terms and conditions set forth in the proposition submitted.

Ordinance No. 262, entitled, "AN ORDINANCE APPROVING THE ANNEXATION OF 'TWELFTH' ADDITION", was then introduced on motion of Councilman Steele, Spooner second. On motion of Mayor Steele, seconded by Councilman Spooner, second reading was omitted, and the ordinance ordered introduced and laid over for the statutory period of not less than five days by the following vote:-

AYES: Councilmen Steele, Spooner, Clark, Graffigna and Weihe.
NOES: Councilmen, None. ABSENT: None.

In the matter of the petition of L. T. Mason et al for annexation of certain territory to be named "Thirteenth Addition" as filed with the Council on November 15, 1939. The Clerk filed his written report on the sufficiency of the petition, stating that of the 26 names affixed thereto, 20 were those of qualified electors residing within the territory sought to be annexed and that to the best of his knowledge, information and belief, there were 41 qualified electors residing in the said territory and that the qualified signers constituted in excess of 25% of the total number of electors resident in this territory.

Resolution No. 1011 declaring the intention of the City Council to call an election upon the question of annexation as set forth in the petition above referred to and setting 8 o'clock P.M. of Wednesday, January 3, 1940 and the Council Chambers of the City Council as the time and place where and when objections would be heard from property owners in the proposed territory to annexation, was introduced on motion of Councilman Weihe, Steele second, and passed and adopted by the following vote:-

AYES: Councilmen, Steele, Weihe, Clark, Spooner and Graffigna.
NOES: Councilmen, None. ABSENT: None.

Business license applications Nos 110 to 114 inclusive as filed with the Clerk were approved and licenses ordered granted on motion of Mayor Steele, Spooner second.

A petition circulated by Eugene Boether and signed by Eugene Hieb and twenty-six other purported owners of real property located within 400 feet of the property affected, was received, having been filed with the Clerk December 4, 1939, wherein it was petitioned that the existing commercial zoned property on the Northeast corner of Lodi Avenue and Hutchins Street be extended Northerly approximately fifty feet to cover all the land now owned by Boether. At the order of the Mayor, none dissenting, the petition was ordered received and referred to the City Planning Commission for its recommendation.

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The tentative application for permission to erect an auto-court at the Southwest corner of Eden Street and Cherokee Lane presented through the Clerk, was ordered referred to the City Building Department.

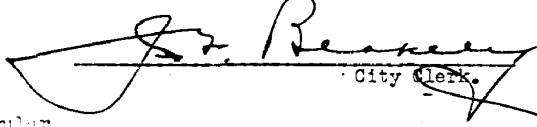
The application of O.H. Gillette et al for a street light at the alley between School and Sacramento Streets on Daisy Avenue was given consideration with the result that the Clerk was directed to inform Mr Gillette that the City would erect and maintain this light, providing that the interested property owners paid the cost of installation.

The Clerk stated that Mr J.P. Liebig has asked that the City refund a portion of the 1939-40 taxes levied against Lot 29, Larson's Addition on account of the land taken by the City for the straightening of Tokay Street. No action taken, it being the opinion of the Council that there is no existing validity to this claim.

The City Engineer presented a "Record of Survey Map" covering lands of Lot and Luisa Lachenmaier in Lot 7, Block 13 of Hutchins Addition to Lodi and the same was ordered approved, proper easements to the City having been previously tendered and accepted, by the adoption of Resolution No. 1014 by unanimous vote of all members of the City Council.

Claims, as approved by the Finance Committee, in the amount of \$23,959.81 were allowed and warrants ordered drawn on the General Fund in payment thereof on motion of Councilman Graffigna seconded by Councilman Clark.

The Council was then called into executive session beginning at 10:00 P.M. and so remained until 10:32 P.M. when open session was resumed and adjournment taken on motion of Councilman Weihe.


City Clerk.

The foregoing minutes of a regular meeting of the City Council of the City of Lodi, were read at a subsequent meeting of said City Council held December 30, 1939 and read without alteration or correction.


Mayor of the City of Lodi.

Memorandum: This was "Boy's Day" as sponsored by the local Civitan Club and boys representing the various councilmen were present, Mr Ernest Schmierer acting as Mayor and Doyle Bushman as City Clerk, took active part in all of the activities and proceedings of the Council.

J.F.B.